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DEPARTMENT FOR EAP, ISN. JOINT STAFF FOR J5

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TAGS: PREL PARM MOPS CH TW
SUBJECT: 2009 U.S.-CHINA DEFENSE CONSULTATIVE TALKS (DC),
SESSION 2: MARITIME SAFETY AND SECURITY

Classified By: Classified by ADCM William Weinstein. Reasons
1.4 (b) and (d).

Summary

¶11. (C) The U.S. policy of conducting surveillance in China's Exclusive Economic Zone (EEZ) reflects a Cold War mentality and should be stopped, the People's Liberation Army (PLA) delegation maintained during the second session of Defense Consultative Talks (DCT) June 23, 2009. U.S. surveillance activities undermine strategic trust, have a negative environmental impact, and have caused indignation amongst Chinese people and service personnel, the delegation insisted. The Military Maritime Consultative Agreement (MMCA) is an important mechanism for solving disputes at sea diplomatically, and the PLA promised to provide a "positive proposal" in advance of a special MMCA session in July. The U.S. delegation replied that U.S. survey activities in international waters are in keeping with customary international laws and UN conventions, and the overall military-to-military relationship should not be held hostage to maritime disputes. The U.S. delegation reaffirmed the importance of the MMCA and likewise welcomed further dialogue on the topic. End Summary.

PLA Perspectives on U.S. Surveillance Activity

¶12. (C) The U.S. policy of conducting close-range surveillance in China's EEZ and airspace are a means of guarding against and containing China, and reflect a Cold War mentality, Rear Admiral Yi Changzhi, PLA Navy Deputy Chief of Staff, told the U.S. delegation. While the policy might provide the United States a modicum of deterrence due to the forward deployment of forces it enables, overall the net effect is negative, owing to the hostility it generates among the Chinese people and the increased risk of incidents, RADM Yi concluded.

¶13. (C) Furthermore, U.S. reconnaissance activities undermine strategic trust between the United States and China, RADM Yi continued. In recent years, U.S. air and sea vessels have increased the frequency, intensity and range of surveillance activities, and this constant surveillance makes China "feel insecure," he maintained. RADM Yi noted that the United States and China are not at war nor are there tensions in the bilateral relationship or across the Taiwan Strait, and yet U.S. reconnaissance ships continue to enter PRC waters almost daily. This surveillance lacks tactical significance, RADM Yi insisted, and signals U.S. hostility towards China. Surveillance makes future bilateral relations uncertain, he continued. Noting that the United States has encouraged China to increase military transparency, RADM Yi stated that China can not do so while the United States continues to attempt to collect intelligence against it.

¶4. (C) U.S. reconnaissance activities in China's EEZ infringe on China's maritime rights and interests by damaging the environment and impacting the fishing industry, RADM Yi insisted. A recent report by the PRC Ministry of Fisheries demonstrated that high-intensity sound waves from U.S. sonar were the primary cause of damage to the ecology and environment in China's EEZ, he declared. He noted that some ocean mammals sense their surroundings by using sonar, and that U.S. high-intensity sonar poses a threat to them. Likewise, U.S. sonar decreases the ability of some fish to catch prey, RADM Yi maintained. He observed that on August 6, 2007, a U.S. judge ruled that the use of high-intensity sonar is "unacceptable" off the coast of California, and that the U.S. Navy is no longer conducting anti-submarine training off of Hawaii to avoid potential lawsuits. From the standpoint of protecting China's maritime environment and fishing industry, it is indisputable that PRC law allows for measures to be taken against ships operating in its EEZ, RADM Yi avowed. Later in the dialogue, Lieutenant General Ma Xiaotian, Deputy Chief of the PLA General Staff, re-emphasized the environmental impact of surveillance on fishing and economic activity, urging the United States to "reflect on the impact" of its policies.

¶5. (C) Additionally, the frequency of U.S. surveillance activities directed against China has triggered indignation among China's people and servicemen that is not conducive to the development of bilateral or military-to-military relations, RADM Yi maintained. Continued surveillance has also increased the risk of incidents at sea and should be stopped, he declared.

¶6. (C) Since its signing, the U.S.-China Military Maritime Consultative Agreement (MMCA) has played an important role in solving issues of military maritime security, RADM Yi affirmed. China looks forward to further dialogue on the modification of the agreement at a special MMCA meeting to be held in late July, he continued. In response, Brigadier General William Uhle, PACOM Deputy J5, noted that the operational safety of sea vessels in close proximity is one of the United States' highest priorities. The U.S. supports the MMCA as a mechanism for solving disputes diplomatically, and looks forward to dialogue on proposed revisions to the MMCA charter, he said. The United States awaits PRC input so that the two sides can deepen dialogue and reach agreement, Brig Gen Uhle continued. LTG Ma replied that the PLA also looks forward to the special MMCA session, and would present a "positive proposal" to the U.S.

¶7. (C) The two sides should conduct further dialogue on how the United States can exercise its right of navigation, LTG Ma suggested. He noted that "not all" of the incidents at sea were "designed" by China, suggesting many were accidents or mistakes. While increased safety measures are important, LTG Ma conceded, it is equally important to decrease the frequency and intensity of surveillance, as doing so would decrease the probability of an incident. He noted that maritime incidents have occurred previously, citing a collision between British and French submarines and one involving a U.S. submarine and supply ship. During the Cold War, U.S. and Soviet submarines collided more than once, LTG Ma recalled. LTG Ma urged both sides to take measures to prevent such occurrences in the future.

U.S. Response: Surveillance is Legal

¶8. (C) In response, Michele Flournoy, Under Secretary of Defense for Policy (USDP), reminded the PLA that U.S. survey activities in international waters were within the bounds of customary international law and the UN Convention on Law of the Sea (UNCLOS). The U.S. also maintained that disputes should be settled through diplomatic channels and not through threatening actions that endanger the lives and safety of U.S. seafarers. She explained that the United States would continue to exercise its navigation rights under international law, adding that the United States agreed that

the MMCA has played an important role in the past and hoped that it could continue to do so in the future. In response, LTG Ma insisted that U.S. surveillance activities have increased in number and frequency off the coast of China to the point that the number of surveillance missions around China is greater than anywhere else in the world -- greater even than those conducted against the former Soviet Union during the Cold War. Such surveillance activities are due to a lack of mutual trust, he declared.

¶9. (C) President Obama wants to create a positive, cooperative and comprehensive relationship with China, Michael Schiffer, Deputy Assistant Secretary of Defense (DASD) for East Asia said, adding that the United States and China have many shared interests. The United States notes and appreciates the reduction in tension in maritime issues, and Admiral Gary Roughead, Chief of Naval Operations, was pleased with his visit to China for the International Fleet Review and 60th anniversary of the PLA Navy in April, DASD Schiffer acknowledged. It is a positive sign that no PRC-flagged fishing vessels have harassed U.S. survey ships in recent weeks, and a testament that the two sides could work through these issues in an efficient manner, he suggested. It is also important that differing legal interpretations not affect safety at sea, nor should either country allow maritime disputes to escalate or hold the overall bilateral relationship hostage to unfortunate and avoidable incidents, DASD Schiffer maintained. At a time when overall relations are improving, it would be unfortunate to have one incident overwhelm positive progress, he added. When incidents do occur, it is important that they be handled through diplomatic channels so as not to endanger the lives and safety of seafarers on both sides.

¶10. (C) USDP noted the importance of further deepening the dialogue through the MMCA mechanism, as neither side could afford miscalculations. LTG Ma responded that the PLA also has the right of navigation under international law, which is why the two sides share common responsibilities.

¶11. (U) U.S. Participants:

Michele Flournoy, Under Secretary of Defense for Policy (USDP)
Dan Piccata, Charge d'Affaires
Michael Schiffer, Deputy Assistant Secretary of Defense (DASD) for East Asia
David Shear, EAP/CM, Department of State
Brig Gen Joseph Callahan, Deputy Director for Politico-Military Affairs - Asia, Joint Staff J5
Brig Gen William Uhle, USPACOM Deputy J5
RDML Bradley Gerhrke, U.S. Defense Attaché in Beijing
John Plumb, OSD Principal Director for Nuclear and Missile Defense Policy
Craig Mullaney, OSD Principal Director for Central Asia
Robert Gromoll Acting Director for Regional Affairs ISN, Department of State

¶12. (U) PRC Participants

Lieutenant General Ma Xiaotian, Deputy Chief of the PLA General Staff
Major General Qian Lihua, Director, Ministry of National Defense Foreign Affairs Office (MND/FAO)
Major General Yang Hui, Director, Intelligence Department, PLA General Staff Department
Rear Admiral Yi Changzhi, Deputy Chief of Staff, PLA Navy
Major General Zhu Chenghu, Director, Department of International Strategic Studies, PLA National Defense University (NDU)
Senior Captain Guan Youfei, Deputy Director, MND/FAO
Senior Colonel Wang Kebin, Deputy Director, Operations Department, PLA General Staff Department
Major General Zhao Ning, PRC Defense Attaché in Washington
Senior Captain Li Ji, Director, North American and Oceania Bureau, MND/FAO
Councilor Ma Zhanwu, North American and Oceania Affairs, MFA
Lieutenant Colonel Chu Weiwei, Interpreter, MND/FAO

~~¶~~13. (U) USDP has cleared this cable.

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